

~~Weegie Peabody
Executive Director~~

0602#005

RULE

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Emissions Inventory (LAC 33:III.919)(AQ255)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary has amended the Air regulations, LAC 33:III.919 (Log #AQ255).

The 1-hour National Ambient Air Quality Standard (NAAQS) was revoked effective June 15, 2005 (69 FR 23858). The Rule deletes the term "1-hour" and replaces it with the term "8-hour" to refer to the currently applicable 8-hour ozone NAAQS. The Rule also enumerates the required number of copies of the annual Certification Statement to be submitted to the department and revises the requirements for calculations.

The 1-hour ozone standard was established by the Environmental Protection Agency (EPA) following the passage of the Clean Air Act. The 1-hour ozone standard was reviewed and revised by the EPA as per Section 109 of the Clean Air Act Amendments. The 1-hour ozone standard was replaced with a more stringent, more protective 8-hour ozone standard, which was effective June 15, 2004. The 1-hour ozone standard was revoked effective one year after the effective date of the 8-hour ozone standard, or June 15, 2005. This Rule deletes reference to the 1-hour ozone standard that has been revoked and refers to the current 8-hour ozone standard that is in effect. There are no new Clean Air Act requirements to comply with as a result of the transition from the 1-hour to the 8-hour standard. The basis and rationale for this rule are to continue efforts toward attainment of the ozone standard statewide and attainment of the PM_{2.5} standard.

This Rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This Rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 9. General Regulations on Control of Emissions and Emission Standards

§919. Emissions Inventory

Emissions inventory data shall be submitted to the department on magnetic media in the format specified by the Office of Environmental Assessment, Air Quality Assessment Division. *Facilities* are defined as all emissions points under common control on contiguous property. *Emissions point* is defined as the source of emissions that

should have a Source Classification Code (SCC). Detailed instructions are provided, on an annual basis, for completing and submitting emissions inventories. The state point source emissions inventory will be compiled from the emissions inventories submitted in accordance with this Section from the facilities that meet the criteria for applicability in Subsection A of this Section. The state area source, non-road and on-road mobile source, and biogenic emissions inventories are compiled by the department from data that may be requested from other federal, state, or local agencies or other private entities.

A. ...

1. Any facility located in the 8-hour ozone nonattainment parish of Ascension, East Baton Rouge, Iberville, Livingston, or West Baton Rouge is required to report if the facility emits or has the potential to emit any one or more of the following:

a. - d. ...

2. Any facility located in the parish of Assumption, East Feliciana, Iberia, Point Coupee, Saint Helena, Saint James, Saint John the Baptist, Saint Martin, Tangipahoa, or West Feliciana, (parishes that adjoin an 8-hour ozone nonattainment parish) is required to report if the facility emits or has the potential to emit any one or more of the following:

2.a. - 5....

6. No facility classes or categories are exempted.

B. Types of Inventories

1. Annual Emissions Statement. Facilities as identified in Subsection A of this Section, shall submit an original Annual Emissions Statement (AES) and a duplicate for all criteria pollutants for which a NAAQS has been issued and for NAAQS precursor pollutants. Except as provided in Subparagraph B.2.d of this Section, the AES shall consist of an inventory of actual emissions and the allowable (permitted) emissions limits of VOC, NO_x, CO, SO₂, Pb, PM₁₀, PM_{2.5}, and ammonia, and an annual Certification Statement in accordance with Subparagraph B.5.a of this Section. The emissions inventory may be an initial emissions inventory for facilities submitting their first emissions inventory, or an annual emissions inventory update for facilities that have previously submitted an emissions inventory. Actual emissions shall be reported for all sources of emissions at a facility, including fugitive emissions, flash gas emissions, insignificant sources (as defined in LAC 33:III.501.B.5, Insignificant Activities List, A. Based on Size of Emission Rate), and excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime. For purposes of this Section, the term *actual emissions* is the calculation or estimate of the actual emissions of a pollutant, in accordance with Subsection C of this Section, for the calendar year or other period of time if requested by the department. *Excess emissions* are defined as emissions quantities greater than normal operations. Where there is an enforceable document, such as a permit, that establishes allowable levels, the AES shall include the allowable emissions level as identified in the permit Maximum Allowable Emissions Rate Table and the allowable tons per year.

2. - 5.g.v. ...

C. Calculations. Actual measurement with continuous emissions monitoring systems (CEMS) or approved stack

testing shall be used for reporting of emissions from an emissions point when such data exists. In the absence of CEMS or stack test data, emissions shall be calculated using methods found in the most recent edition, as of December 31 of the current reporting year, of the Compilation of Air Pollution Emission Factors (AP-42), calculations published in engineering journals, and/or EPA or department-approved estimation methodologies.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 32:241 (February 2006).

Herman Robinson, CPM
Executive Counsel

0602#020

RULE

Office of the Governor Boxing and Wrestling Commission

Definition of Contestant; HIV Testing
(LAC 46:XI.101 and 108)

The Boxing and Wrestling Commission does hereby exercise the provisions of the Administrative Procedure Act, R.S. 49:953(b) and 49:967(D) to adopt the following Rule. This Rule is necessary to promote the safety of contestants, other participants and spectators in that it will require participants in all sports under the jurisdiction of the Boxing and Wrestling Commission to be tested for HIV and present medical certification that participant is HIV negative. This proposed Rule repromulgates and moves to Chapter 1, General Rules, the Rule on HIV testing, previously in §325.B, and clarifies definition of *contestant*.

Title 46

PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part XI. Boxing and Wrestling

Chapter 1. General Rules

§101. Definitions

* * *

Contestant—any participant in all sports under the jurisdiction of this commission including but not limited to boxing, wrestling, kickboxing and martial arts sports.

* * *

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D, R.S. 4:64 and R.S. 4:67.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Boxing and Wrestling Commission, LR 22:697 (August 1996), amended by the Office of the Governor,

Boxing and Wrestling Commission, LR 31:2003 (August 2005), LR 32:242 (February 2006).

§108. Medical Requirements

A. Each contestant participating in any sport under this commission's jurisdiction must furnish to the commission physician a certified medical certificate evidencing that the contestant has been tested for HIV and said test results are negative. Said test and certificate shall be dated not more than six months prior to the scheduled event and said certificate is to be presented at the time of "weigh in."

AUTHORITY NOTE: Promulgated in accordance with R.S. 4:61.D, R.S. 4:64 and R.S. 4:67.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Boxing and Wrestling Commission, LR 32:242 (February 2006).

Patrick C. McGinity
Attorney for the Commission

0602#030

RULE

Office of the Governor Crime Victims Reparations Board

Compensation to Victims (LAC 22:XIII.503)

In accordance with the provisions of R.S. 49:950 et seq., which is the Administrative Procedure Act, and R.S. 46:1801 et seq., which is the Crime Victims Reparations Act, the Crime Victims Reparations Board has amended its rules and regulations regarding the awarding of compensation to applicants. There will be no impact on family earnings or the family budget as set forth in R.S. 49:972.

Title 22

CORRECTIONS, CRIMINAL JUSTICE AND LAW ENFORCEMENT

Part XIII. Crime Victims Reparations Board

Chapter 5. Awards

§503. Limits on Awards

A. General

1. There will be a \$10,000 limit for awards for all victims with the exception of those primary victims who become totally and permanently disabled as a result of the crime. For those awards, the board may, at its discretion, award up to \$25,000, depending on availability of funds its administrative rule limits for certain award benefits, and the extent, if any, of collateral resources. For purposes of this Section:

a. a victim is "totally and permanently disabled" if the victim has a physical or mental impairment that substantially precludes them from obtaining gainful employment and appears reasonably certain to continue without substantial improvement throughout their life;

b. the board reserves the right to obtain an impartial medical expert, at its expense, if necessary, to assess the degree of disability of the victim.

A.2. - M.2. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 46:1801 et seq.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Crime Victims Reparations Board, LR 20:539 (May 1994), amended LR 22:710 (August 1996), LR 24:328 (February

**Comment Summary Response & Concise Statement – AQ255
Amendments to the Air Regulations
Emissions Inventory
LAC 33:III.919**

Concise Statement arguments:

FOR: [The reason supporting WHY the suggestion in the comment should be adopted by DEQ. Usually this is the commenter's perspective.]

AGAINST: [The reason WHY the department feels the suggestion should NOT be adopted.]

COMMENT 1: Any decisions regarding the inclusion of facilities under Section 919 requirements should be deferred until the department determines the future course of the Chapter 51 provisions.

The department agrees with the comment; no argument necessary.

RESPONSE 1: — The department will remove the requirement of any facility subject to LAC 33:III.5107.A to report per LAC 33:III.919.

COMMENT 2: §919.A.1&2 — List the specific parishes by name under the appropriate subsections because of concerns on the future impact of the amendment as it is currently worded. A parish that is currently designated “attainment” is subject to the provisions of 919.A.2 or A.3, which has higher thresholds than the non-attainment provisions of section 919.A.1. If a parish is re-designated as non-attainment in the future because air monitoring exceeds the 8-hour standard or EPA amends the current standard and the parish does not attain the newly revised air quality standard, the designation change would automatically impose new reporting requirements on facilities in that parish. The Louisiana Administrative Procedure Act (APA) requires the department to give public notice and opportunity to comment by an entity affected by a new rule or rule change. As written the new rule will be self-implementing and therefore deprive potentially affected entities the opportunity to comment. State law requires the department to do rule-specific cost benefit and risk benefit analysis for rules that go beyond federal requirements and exceed \$1 million in impacts. If the attainment designation changes, the “automatic” implementation of the existing requirements will circumvent the statutory mandate.

The department agrees with the comment; no argument necessary.

RESPONSE 2: — The department will revise the provisions of LAC 33:III.919.A.1 & 2 to include the parishes subject to the requirement.

COMMENT 3: §919.A.6 — The provision should be removed or compliance deferred until 2007. Neither the Notice of Intent nor the Fiscal and Economic Impact Statement discussed the rationale for this new requirement. The goals of each reporting program are different. TEDI, provisions of 5107.A, are “state only” enforceable requirements while Section 919 is federally enforceable. TEDI is now helping assess fees under the statutory goal of statewide toxic air pollutant emissions. Section 919 reporting is used to assist with the achievement of the national ambient air quality standards for criteria pollutants. There are compounds in the TEDI reporting list that have nothing to do with Section 919; therefore compliance with TEDI has little to do with Section 919. The department has not demonstrated a need to add chapter 51-only facilities to the Emission Inventory System (EIS) reporting program.

There is a possibility the amendment to this subsection will be adopted in the March 20, 2006 Louisiana Register. If it does, facilities that were not previously subject to these requirements will have 11 days to file the EIS. This is an unacceptable consequence and the department should defer compliance until the 2007 (for 2006 emissions) submittals.

The department agrees with the comment; no argument necessary.

RESPONSE 3: — The department will remove the requirement of any facility subject to LAC 33:III.5107.A to report per LAC 33:III.919.

COMMENT 4: §919.B.1 — The need for the amendment is questioned because Subsection 919.B.1 changes “table A” to “Part A” and Subsection 501.B.5 refers to the *Insignificant Activities List* as a table.

FOR: The proposal incorrectly refers to the Insignificant Activities List as Part A, when it is Table A.

AGAINST: The proper citation for the Insignificant Activities List is LAC 33:III.501.B.5, Insignificant Activities List, A. Based on Size or Emission Rate.

RESPONSE 4: — The proposal will be changed to reflect the proper citation of the Insignificant Activities List LAC 33:III.501.B.5, Insignificant Activities List, A. Based on Size or Emission Rate.

COMMENT 5: §919.C — Compliance for 2006 emissions should be deferred until 2007 because the possibility exists that these amendments could be adopted March 20, 2006, just before the annual submittal deadline of March 30, 2006. This creates a reporting requirement that may be impossible to meet. As written, new emissions calculations adopted on March 30 of the reporting year must be used since they are the “most recent” before the reporting deadline. Adopting the amendment on April 20, 2006 would resolve any conflicts.

The department agrees with the comment; no argument necessary.

RESPONSE 5: — The department will revise the provision to clarify the “most recent” edition as of December 31, of the current reporting year (e.g. December 31, 2005, for the reporting year 2005 annual emissions inventory due by March 31, 2006).

Comment Summary Response & Concise Statement Key – AQ255
Amendments to the Air Regulations
Emissions Inventory
LAC 33:III.919

COMMENT #

SUGGESTED BY

1 — 5

Richard Metcalf / Louisiana Mid-Continent Oil and
Gas Association

* indicates a fast-track regulation



LOUISIANA MID-CONTINENT OIL AND GAS ASSOCIATION

801 NORTH BOULEVARD, SUITE 201, BATON ROUGE, LA 70802-5727
TELEPHONE (225) 387-3205 FAX (225) 344-5502
E-MAIL lmoga@lmoga.com

December 5, 2005

Dr. Judith A. Schuerman, Ph.D.
Office of the Secretary, Legal Affairs Division
Department of Environmental Quality
Post Office Box 4302
Baton Rouge, Louisiana 70821-4302

Re: Log #AQ255 Comments

Dear Dr. Schuerman:

The Louisiana Mid-Continent Oil and Gas Association appreciates the opportunity to submit the following comments on the proposed amendments to the Section 919 Emission Inventory Rules (Log #AQ255) which appeared in the October 20, 2005 Louisiana Register. Mid-Continent is an industry trade association representing individuals and companies who together produce, transport, refine and market crude oil, natural gas, petroleum products and electricity in Louisiana. Mid-Continent has several concerns and questions regarding the proposed changes. The proposed changes have some impacts that it is not clear whether the Department has analyzed as required by statute.

Comment 1 – Subsections 919.A.1. and A.2.

Mid-Continent understands why the Department is amending the language to reflect the new 8-hour ozone standard. As of the date of this proposed rule, the change imposes no new requirements since the affected parishes (i.e. the 5-parish Baton Rouge area) are identical under both ozone standards. Mid-Continent is, however, concerned about a future impact of this amendment as currently worded.

A parish that is currently designated “attainment” is subject to either the provisions of Subsections 919.A.2. or A.3 which have significantly higher reporting thresholds than the nonattainment provisions of Subsection 919.A.1. However, this parish could be redesignated as nonattainment in the future if the area monitoring exceeds the current 8-hour standard or if EPA amends the current standard pursuant to its statutory duty and the parish does not attain the newly revised air quality standard. This designation change by EPA would automatically impose new reporting requirements on facilities in a parish simply due to the new nonattainment designation (i.e. from Subsection A.3. to either A.1. or A.2.). This occurs without the facility being able to comment to the Department whether the reporting threshold trigger levels in the rule are appropriate under the new fact situation.

The thresholds (and especially the volatile organic compound (VOC) threshold) of Subsection 919.A.1. were selected primarily due to the Baton Rouge area 1-hour ozone concerns. The “adjacent” parish concept and thresholds of Subsection 919.A.2, were added due to transport issues and concerns, once again, targeted on the Baton Rouge area and the extensive modeling efforts for this area. No such determination has been definitively justified for another area which might become nonattainment in the future under the 8-hour ozone standard. This is of specific concern since some of the Department’s reporting thresholds are significantly lower than the

minimal State Implementation Plan (SIP) thresholds required by the Environmental Protection Agency (EPA) (40 CFR Part 51).

The Louisiana Administrative Procedures Act (APA) (La. R.S. 49:950 et. seq.) requires the Department to give public notice and opportunity to comment to any entity affected by a new rule or rule change. As currently constituted, the proposed rule would be self implementing in the future and therefore deprives potentially affected entities the opportunity to comment as required by the APA. State law also requires the Department to perform rule-specific cost-benefit and risk-benefit analyses for rules that go beyond federal requirements and that exceed \$1 million of impacts. The “automatic” implementation of the existing requirements in the event of future attainment designation changes circumvents these statutory mandates on the Department.

The Department can easily achieve its intended regulatory objectives by listing the specific parishes, by name, covered by Subsections 919.A.1. and A.2. Should future ozone designation changes occur, the Department would simply amend the rules as needed to meet the EPA SIP requirements in compliance with the statutory provisions by adding the newly affected areas in a new rulemaking.

Mid-Continent strongly recommends the Department list the specific parishes by name under the appropriate subsections.

Comment 2 – Proposed New Subsection 919.A.6.

At this point, Mid-Continent strongly opposes the proposed new subsection requiring facilities that report solely under the Toxic Emission Database Inventory (TEDI) to report under this subsection. In neither the Notice of Intent nor in the Fiscal and Economic Impact Statement for the proposed rule does the Department discuss the rationale for this new requirement. The Department also does not indicate how many facilities may be affected by this change. (This should be an easy task since the Department could simply compare the TEDI and Section 919 facility databases.)

Of significant concern is that the provisions of Subsection 5107.A. are “state-only” enforceable requirements versus the federal EPA enforceability of Section 919 (assuming these amendments would be included at some time in the federally enforceable SIP). This is a significant change for the regulated community.

The goals of the two reporting programs are significantly different. The initial goal of the TEDI report was to help determine that the statutory goal of statewide toxic air pollutant emissions were reduced by 50%. This toxic air pollutant reduction goal was clearly met. The current primary need is only to help assess fees under this program. The goal of the Section 919 reporting is to assist with the achievement of the national ambient air quality standards for criteria pollutants. There are compounds on the TEDI reporting list that have nothing to do with the goals of the Section 919 reporting objectives. Therefore, compliance with TEDI reporting has little to do with Section 919 reporting. The Department has not demonstrated a definitive need to add Chapter 51 – only facilities to the EIS reporting program.

Additionally, there is the distinct possibility that the Department would adopt the amendment to this subsection in the March 20, 2006 Louisiana Register. As such, facilities that were not previously subject to these requirements would have to file the EIS within 11 days. This sets up an unacceptable consequence. If the Department decides to retain this provision over Mid-Continent’s objections, the Department should defer compliance until the 2007 (for 2006 emissions) submittals.

As such, until a compelling need for this amendment is demonstrated, Mid-Continent opposes the adoption of this provision.

At this time, Mid-Continent along with other trade associations, recently submitted comments on the state's Toxic Air Pollutant Program in response to a Potpourri Notice (0509Pot3) seeking such comment. Industry submitted significant comment with respect to the need of many aspects of the state program, including TEDI. Any decisions regarding the inclusion of facilities under this program under the Section 919 requirements should be deferred until the Department determines the future course of the Chapter 51 provisions.

Comment 3 – Subsection 919.B.1.

The proposal amends the language from this subsection from “table A” to “Part A”. The language in Subsection 501.B.5. refers to the following information as a “table”. Therefore Mid-Continent questions the need for this amendment.

Comment 4 – Subsection 919.C

Mid-Continent's concern with this Subsection is a timing concern. The regulated community begins calculating the emission estimates under this rule almost immediately after the end of the year. There is the distinct possibility that these amendments will be adopted March 20, 2006, just before the annual submittal deadline. If these are the desired report contents, the Department should defer compliance until the 2007 (for 2006 emissions) submittals. The Department can accomplish this by deferring adoption of this rule until April 20, 2006. The Department should establish the “most recent” publication of factors as the one published prior to December 31 of the reporting year. As written, new emissions calculations adopted on March 30 of the reporting year must be used since they are the “most recent” before the reporting deadline. This establishes a compliance requirement that may be impossible to meet. The “most recent” edition of methods should be that of the last date of the year for which emissions are being reported (e.g. December 31, 2005 for the March 31, 2006 report of 2005 annual emissions).

Once again, the Mid-Continent Oil and Gas Association appreciates the opportunity to submit these comments

Sincerely,

Richard T. Metcalf
Health, Safety and Environmental
Affairs Coordinator

DEPARTMENT OF ENVIRONMENTAL QUALITY

* * * * *

EMISSIONS INVENTORY

LOG NO: AQ255

* * * * *

Public hearing with Nicole Hano
regarding the above-captioned matter held at
the Galvez Building, Oliver Pollock Conference
Room, 602 N. Fifth Street, Baton Rouge,
Louisiana, on November 29th, 2005.

RECEIVED

DEC 21 2005

LEWIS & CLARK
REGULATION DEVELOPMENT SECTION

REPORTED BY:

Gail F. Mason, RPR
Certified Court Reporter
Certificate No. 96004

1 BY MS. HANO:

2 Good afternoon. My name is
3 Nicole Hano. I'm employed with the Louisiana
4 Department of Environmental Quality. I'll be
5 serving as hearing officer this afternoon to
6 receive comments regarding proposed amendments
7 to the Grant Parish Ozone Maintenance Plan, and
8 to the regulations governing air quality in
9 Louisiana generally.

10 The comment periods for these
11 amendments began on October 20th, 2005, when
12 the potpourri notice for the Grant Parish Ozone
13 Maintenance Plan, and proposed rule changes
14 AQ240 and AQ255, were published in the
15 "Louisiana Register." The comment period will
16 close at 4:30 p.m. on December 19th, 2005, for
17 the changes to the Grant Parish Plan, and at
18 4:30 p.m. on December 6th, 2005, for AQ240 and
19 AQ255. It would be helpful to us if all oral
20 comments received today were followed up in
21 writing.

22 This public hearing provides a
23 forum for all interested parties to present
24 comments on the proposed changes. I'll ask
25 that each person commenting begin by stating

1 his or her name and affiliation for the record.

2 The next amendment is designated
3 by the Log Number AQ255.

4 The 1-hour National Ambient Air
5 Quality Standard (NAAQS) was revoked effective
6 June 15th, 2005 (69 FR 23858). The proposed
7 rule deletes the term "1-hour" and replaces it
8 with the term "8-hour" to refer to the
9 currently applicable 8-hour Ozone NAAQS. The
10 rule also addresses the need for facilities to
11 submit annual emissions inventories under LAC
12 33:111.5107.A, enumerates the required number
13 of copies of the annual Certification Statement
14 to be submitted to the department, and revises
15 the requirements for calculations.

16 The 1-hour ozone standard was
17 established by the Environmental Protection
18 Agency (EPA) following the passage of the Clean
19 Air Act. The 1-hour ozone standard was
20 reviewed and revised by the EPA as per Section
21 109 of the Clean Air Act Amendments. The
22 1-hour ozone standard was replaced with more
23 stringent, more protective 8-hour ozone
24 standard, which was effective June 15th, 2004.
25 The 1-hour ozone standard was revoked effective

1 one year after the effective date of the 8-hour
2 ozone standard or June 15th, 2005. This
3 proposed rule deletes reference to the 1-hour
4 ozone standard that has been revoked and refers
5 to the current 8-hour ozone standard that is in
6 effect. There are no new Clean Air Act
7 requirements to comply with as a result of the
8 transition from the 1-hour to the 8-hour
9 standard.

10 BY MS. HANO:

11 Comments will begin with Richard
12 Metcalf.

13 BY MR. METCALF:

14 Good afternoon. My name is
15 Richard Metcalf. I'm the Health and Safety
16 Environmental Affairs Coordinator for the
17 Louisiana Mid-Continent Oil and Gas
18 Association. Mid-Continent is an industry
19 trade association representing individuals and
20 companies who together market crude oil,
21 natural gas, petroleum products and electricity
22 in Louisiana. Mid-Continent appreciates the
23 opportunity to comment on this proposed
24 rule-making. Mid-Continent basically has two
25 main comments, and these comments will be

1 covered in more detail in our written comments
2 which we plan to submit.

3 First, Mid-Continent understands
4 why the Department is amending the language to
5 reflect the new 8-hour standard. And as such,
6 it has no real impact because the same power is
7 just better than non attainment now than the
8 1-hour standard or the non attainment under the
9 8-hour standard. Mid-Continent is concerned,
10 however, that in the future if another area
11 becomes subject to the 8-hour ozone standard is
12 there non attainment with that standard and the
13 provisions of this section automatically then
14 apply without that parish having the
15 opportunity to go through the public notice and
16 comment develop process.

17 Of specific concern is the very
18 low volatile organic compound threshold of ten
19 tons per year that triggers reporting. This
20 number was selected based on the Baton Rouge
21 problem and maybe not a problem in the
22 Shreveport area.

23 Once again, Mid-Continent
24 believes that the best way to rectify this is
25 to list those specific parishes by name as the

1 rule used to do such that if a new parish has
2 to be added in the future, it can then go
3 through the public notice and comment period as
4 they're required to do by the Administrative
5 Procedures Act.

6 The second comment has to do with
7 the new requirement that is not discussed
8 really in the notice of intent nor the fiscal
9 and economic impact statement of those
10 facilities that report under the TEDI program,
11 T-E-D-I, program for air toxics and now will
12 have to report under this program. These are
13 two separate programs, and there are facilities
14 that Mid-Continent represents that report under
15 TEDI but that are exempt from the reporting
16 requirements under the Emissions Inventory
17 System or EIS.

18 This impact was not discussed.
19 There is an impact we think, and it may be a
20 fairly significant impact. But of great
21 concern is that the TEDI program, the toxic
22 program, is a state-only program. The
23 Emissions Inventory System program is federally
24 enforceable. And that by itself is of great
25 concern to our members. We'll discuss these

1 points in more detail in our written comments.

2 Once again, Mid-Continent
3 appreciates the opportunity to submit these
4 comments. Thank you.

5 BY MS. HANO:

6 Does anyone else care to comment
7 on this regulation?

8 (NO RESPONSE.)

9 BY MS. HANO:

10 If not, the hearing on AQ255 is
11 closed. Thank you for your participation. The
12 hearing is closed.

13

14 (AT THIS TIME, THE HEARING WAS
15 CONCLUDED AND THE RECORD WAS CLOSED.)

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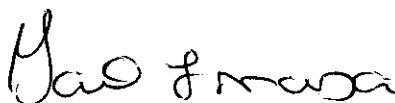
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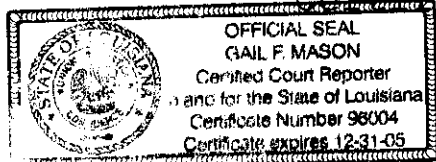
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REPORTER'S CERTIFICATE

I, Gail F. Mason, RPR, Certified Court Reporter in and for the State of Louisiana, Certificate No. 96004, which is current and in good standing, as the officer before whom this hearing was taken, do hereby certify that this proceeding was reported by me in the stenotype reporting method, was prepared and transcribed by me or under my personal direction and supervision, and is a true and correct transcript to the best of my ability and understanding; that I am not related to counsel or to the parties herein, nor am I otherwise interested in the outcome of this matter.



Gail F. Mason, RPR, CCR
Certificate No. 96004



OCT 27 2005


LDEQ/OSCE/LARD
REGULATION DEVELOPMENT SECTION

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THE ADVOCATE

PROOF OF PUBLICATION

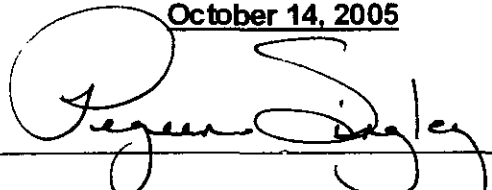
The hereto attached notice was published in THE ADVOCATE, a daily newspaper of general circulation published in Baton Rouge, Louisiana, and the official Journal of the State of Louisiana, the City of Baton Rouge, and the Parish of East Baton Rouge, in the following issues:

10/14/05


Susan A. Bush, Public Notices Clerk

Sworn and subscribed before me by the person whose signature appears above:

October 14, 2005


Pegeen Singley, Notary Public, #66565
My Commission Expires: Indefinite
Baton Rouge, Louisiana

3188476

DEQ -OSEC/ LARD REGULATION
REMENDER WEATHERSPOON
PO BOX 4302
BATON ROUGE LA 70821-4314

NOTICE OF INTENT

Department of Environmental
Quality
Office of the Secretary
Legal Affairs Division
Emissions Inventory
(LAC 33:III.919) (AQ255)

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Herman Robinson, CPM
Executive Counsel
3188476-oct 14-11

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OCT 25 2005

1016 COLONARD
REGULATION DEVELOPMENT SECTION

The Times-Picayune

3800 HOWARD AVENUE, NEW ORLEANS, LOUISIANA 70140-1097

TELEPHONE (504) 826-3206

NOTICE OF INTENT

Department of
Environmental Quality
Office of the Secretary
Legal Affairs Division

Emissions Inventory
(LAC 33:III.919) (AQ255)

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Herman Robinson, CPM
Executive Counsel

State of Louisiana

Parish of Orleans

City of New Orleans

Personally appeared before me, a Notary in and for the parish of Orleans, Robert J. Chiasson who deposes and says that he is the Accounts Receivable Manager, of The Times-Picayune Publishing Corporation, a Louisiana Corporation, Publishers of The Times-Picayune, Daily and Sunday, of general circulation; doing business in the City of New Orleans and the State of Louisiana, and that the attached LEGAL NOTICE

RE: Notice of Intent Emissions Inventory LAC33:III.919
AQ255 the 1-hour National Ambient Air Quality Standard

Advertisement of Dept. of Environmental Quality

P.O. BOX 4302
Baton Rouge, La. 70821-4302

Was published in The Times Picayune

On the following dates October 15, 2005

17th

Sworn to and subscribed before me this
Day of October, 2005

Notary Public

My commission expires at my death.
Charles A. Ferguson, Jr.

Notary identification number 23492

OCT 21 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION**CERTIFIED COPY** *11/4/05***NOTICE OF INTENT**Department of Environmental
Quality
Office of the Secretary
Legal Affairs DivisionEmissions Inventory
(LAC 33:III.919) (AQ255)

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Publisher of

**THE NEWS-STAR
MONROE, LOUISIANA
PROOF OF PUBLICATION**

The hereto attached advertisement**Was published in the NEWS-STAR.****A daily newspaper of general circulation.****Published in Monroe, Louisiana.****Parish of Ouachita in the issues of:**

October 13, 2005
Amanda Brown
(AQ255)

LEGAL AD DEPT.**Sworn and subscribed before me by****The person whose signature appears above in Monroe, LA on this**

13th day of October 20 05 AD

Virginia Shapka Bay
#62081
NOTARY PUBLIC

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Herman Robinson, CPM
Executive Counsel

Monroe, LA
October 13, 2005

OCT 21 2005

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Acadiana's Daily Newspaper

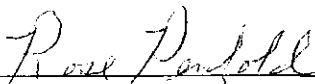
LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION**THE ADVERTISER**221 JEFFERSON STREET
LAFAYETTE, LA 70501PHONE: (337) 289-6300
FAX: (337) 289-6466**AFFIDAVIT OF PUBLICATION****Remender D. Weatherspoon
LA Department of Environmental Quality
OSEC/Legal Affairs Division/
Regulation Development Section
P. O. Box 4302
Baton Rouge, LA 70821-4302****Account No.: LDEQRD
Ad Number: 07532004
Ad Total: \$90.00
Ad Inches: 15
Reference No.:******To insure proper credit please refer to your account number
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P.O. Box 3268, Lafayette, LA 70502-3268**

I, **ROSE PENFOLD**, do solemnly swear that I am the **LEGAL CLERK** of **THE ADVERTISER**,
a newspaper printed and published at Lafayette, in the Parish of Lafayette, State of Louisiana, and
that from my personal knowledge and reference to the files of said publication, the advertisement of

NOTICE OF INTENT
Department of Environmental Quality
Office of the Secretary
Legal Affairs Division
Emissions Inventory
(LAC 33:III.919) (AQ255)

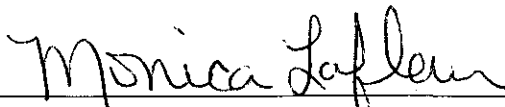
was published in **THE ADVERTISER** on the following dates:

***Thursday, October 13, 2005**



**ROSE PENFOLD
LEGAL CLERK**

Sworn to and subscribed before me this 13th day of October, 2005.



NOTARY PUBLIC - ID#13817

07532004

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Office of the Secretary
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Herman Robinson,
CPM
Executive Counsel

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10/14/05
The Times

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PROOF OF PUBLICATION

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

00000

STATE OF LOUISIANA
PARISH OF CADDO

Before me, the undersigned authority, personally came and appeared

Altheas Critton, personally known to me,

Who being duly sworn, deposes and says that she is the Assistant to the Classified Advertising Manager of The Times, and that the attached Advertisement entitled:

NOTICE OF INTENT Department of Environmental Quality Office of the Secretary Legal Affairs Division Emissions Inventory (LAC 33:III.919) (AQ255)

October 14, 2005

(Signed) Altheas Critton

Sworn to and subscribed before me this 14th day of October, 2005

Diana W. Barber
(Notary)

DIANA W. BARBER, NOTARY PUBLIC # 60491
CADDO PARISH, LOUISIANA
MY COMMISSION IS FOR LIFE



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The Times:
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OCT 24 2005

LOUISIANA
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AFFIDAVIT OF PUBLICATION

(A Correct Copy of)

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Herman Robinson,
CPM

Executive Counsel

(10) 18

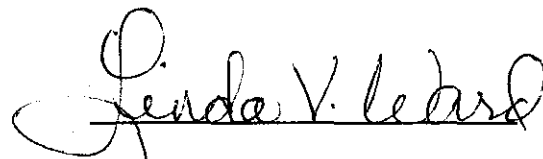
I, Linda Ward, Call Center Supervisor

of THE TOWN TALK, published at Alexandria,

Louisiana do solemnly swear that the

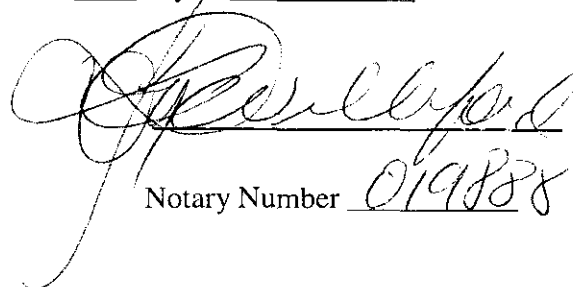
Public Notice

advertisement, as per clipping attached, was published in the regular and entire issue of said newspaper, and not in any supplement thereof for one insertions commencing with the issue dated October 18, 2005 and ending with the issue dated October 18, 2005.



Subscribed and sworn to before me

this 18th day of October, 2005



Notary Number 019888

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OCT 19 2005

LDEQ/OSEC/LARD
REGULATION DEVELOPMENT SECTION

Affidavit of Publication

Legals 1800

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Office of the Secretary
Legal Affairs Division
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STATE OF LOUISIANA

Parish of Calcasieu

Before me the undersigned authority, personally came and appeared

Carli Lucken
who being duly sworn, deposes and says:

He/She is a duly authorized agent of
LAKE CHARLES AMERICAN PRESS
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October 14, 2005

00053262
LA. DEQ OSEC/LARD
REGULATION DEVELOPMENT
REMENDER WEATHERSPOON
P.O. BOX 4302
BATON ROUGE, LA 70821-4302

Carli Lucken
Duly Authorized Agent

Subscribed and sworn to before me on this 14th day of October, 2005 at
Lake Charles, LA

00053262

LA. DEQ OSEC/LARD

Gwendolyn R. Dugas
Notary Public

Gwendolyn R. Dugas
#056523

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

A public hearing will be held on November 29, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available in the Galvez Garage when the parking ticket is validated by department personnel at the hearing.

All interested persons are invited to submit written comments on the proposed regulation. Persons commenting should reference this proposed regulation by AQ255. Such comments must be received no later than December 6, 2005, at 4:30 p.m., and should be sent to Judith A. Schuerman, Ph.D., Office of the Secretary, Legal Affairs Division, Box 4302, Baton Rouge, LA 70821-4302 or to FAX (225) 219-3582 or by e-mail to judith.schuerman@la.gov. Copies of this proposed regulation can be purchased by contacting the DEQ Public Records Center at (225) 219-3168. Check or money order is required in advance for each copy of AQ255. This regulation is available on the Internet at www.deq.louisiana.gov under Rules and Regulations.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 602 N. Fifth Street, Baton Rouge, LA 70802; 1823 Highway 546, West Monroe, LA 71292; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 1301 Gadwall Street, Lake Charles, LA 70615; 201 Evans Road, Building 4, Suite 420, New Orleans, LA 70123; 111 New Center Drive, Lafayette, LA 70508; 110 Barataria Street, Lockport, LA 70374.

Herman Robinson,
CPM
Executive Counsel
October 14 11
00202457

NOTICE OF INTENT

Department of Environmental Quality Office of the Secretary Legal Affairs Division

Emissions Inventory (LAC 33:III.919)(AQ255)

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Air regulations, LAC 33:III.919 (Log #AQ255).

The 1-hour National Ambient Air Quality Standard (NAAQS) was revoked effective June 15, 2005 (69 FR 23858). The proposed rule deletes the term "1-hour" and replaces it with the term "8-hour" to refer to the currently applicable 8-hour ozone NAAQS. The rule also addresses the need for facilities to submit annual emissions inventories under LAC 33:III.5107.A, enumerates the required number of copies of the annual Certification Statement to be submitted to the department, and revises the requirements for calculations.

The 1-hour ozone standard was established by the Environmental Protection Agency (EPA) following the passage of the Clean Air Act. The 1-hour ozone standard was reviewed and revised by the EPA as per Section 109 of the Clean Air Act Amendments. The 1-hour ozone standard was replaced with a more stringent, more protective 8-hour ozone standard, which was effective June 15, 2004. The 1-hour ozone standard was revoked effective one year after the effective date of the 8-hour ozone standard, or June 15, 2005. This proposed rule deletes reference to the 1-hour ozone standard that has been revoked and refers to the current 8-hour ozone standard that is in effect. There are no new Clean Air Act requirements to comply with as a result of the transition from the 1-hour to the 8-hour standard. The basis and rationale for this rule are to continue efforts toward attainment of the ozone standard statewide and attainment of the PM_{2.5} standard.

This proposed rule meets an exception listed in R.S. 30:2019(D)(2) and R.S. 49:953(G)(3); therefore, no report regarding environmental/health benefits and social/economic costs is required. This proposed rule has no known impact on family formation, stability, and autonomy as described in R.S. 49:972.

Title 33

ENVIRONMENTAL QUALITY

Part III. Air

Chapter 9. General Regulations on Control of Emissions and Emission Standards

§919. Emissions Inventory

Emissions inventory data shall be submitted to the department on magnetic media in the format specified by the Office of Environmental Assessment, Air Quality Assessment Division. *Facilities* are defined as all emissions points under common control on contiguous property. *Emissions point* is defined as the source of emissions that should have a Source Classification Code (SCC). Detailed instructions are provided, on an annual basis, for completing and submitting emissions inventories. The state point source emissions inventory will be compiled from the emissions

inventories submitted in accordance with this Section from the facilities that meet the criteria for applicability in Subsection A of this Section. The state area source, non-road and on-road mobile source, and biogenic emissions inventories are compiled by the department from data that may be requested from other federal, state, or local agencies or other private entities.

A. ...

1. Any facility located in an 8-hour ozone nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

a. - d. ...

2. Any facility located in a parish that adjoins an 8-hour ozone nonattainment parish is required to report if the facility emits or has the potential to emit any one or more of the following:

2.a. - 5....

6. Any facility in Louisiana subject to the requirements of LAC 33:III.5107.A is required to report.

7. No facility classes or categories are exempted.

B. Types of Inventories

1. Annual Emissions Statement. Facilities as identified in Subsection A of this Section, shall submit an original Annual Emissions Statement (AES) and a duplicate for all criteria pollutants for which a NAAQS has been issued and for NAAQS precursor pollutants. Except as provided in Subparagraph B.2.d of this Section, the AES shall consist of an inventory of actual emissions and the allowable (permitted) emissions limits of VOC, NO_x, CO, SO₂, Pb, PM₁₀, PM_{2.5}, and ammonia, and an annual Certification Statement in accordance with Subparagraph B.5.a of this Section. The emissions inventory may be an initial emissions inventory for facilities submitting their first emissions inventory, or an annual emissions inventory update for facilities that have previously submitted an emissions inventory. Actual emissions shall be reported for all sources of emissions at a facility, including fugitive emissions, flash gas emissions, insignificant sources (as defined in LAC 33:III.501.B.5.Insignificant Activities List, Part A), and excess emissions occurring during maintenance, start-ups, shutdowns, upsets, and downtime. For purposes of this Section, the term *actual emissions* is the calculation or estimate of the actual emissions of a pollutant, in accordance with Subsection C of this Section, for the calendar year or other period of time if requested by the department. *Excess emissions* are defined as emissions quantities greater than normal operations. Where there is an enforceable document, such as a permit, that establishes allowable levels, the AES shall include the allowable emissions level as identified in the permit Maximum Allowable Emissions Rate Table and the allowable tons per year.

2. - 5.g.v. ...

C. Calculations. Actual measurement with continuous emissions monitoring systems (CEMS) or approved stack testing shall be used for reporting of emissions from an emissions point when such data exists. In the absence of CEMS or stack test data, emissions shall be calculated using methods found in the most recent edition of, or update to, the Compilation of Air Pollution Emission Factors (AP-42), and/or calculations published in engineering journals, and/or EPA or department-approved estimation methodologies.

D. - F. ...

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2054.

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Air Quality and Nuclear Energy, Air Quality Division, LR 13:741 (December 1987), repealed and repromulgated by the Office of Air Quality and Radiation Protection, Air Quality Division, LR 19:184 (February 1993), repromulgated LR 19:485 (April 1993), amended LR 19:1418 (November 1993), LR 20:1101 (October 1994), LR 22:339 (May 1996), amended by the Office of Environmental Assessment, Environmental Planning Division, LR 26:2450 (November 2000), LR 29:2776 (December 2003), amended by the Office of the Secretary, Legal Affairs Division, LR 31:2483 (October 2005), LR 32:

A public hearing will be held on November 29, 2005, at 1:30 p.m. in the Galvez Building, Oliver Pollock Conference Room, 602 N. Fifth Street, Baton Rouge, LA 70802. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Judith A. Schuerman, Ph.D., at the address given below or at (225) 219-3550. Free parking is available in the Galvez Garage when the parking ticket is validated by department personnel at the hearing.

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Herman Robinson, CPM
Executive Counsel

FISCAL AND ECONOMIC IMPACT STATEMENT FOR ADMINISTRATIVE RULES RULE TITLE: Emissions Inventory

**I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO
STATE OR LOCAL GOVERNMENT UNITS (Summary)**

There are no expected implementation costs or savings to state or local governmental units by the proposed rule.

**II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE
OR LOCAL GOVERNMENTAL UNITS (Summary)**

There is no estimated effect on revenue collections of state or local governmental units by the proposed rule.

**III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO
DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL
GROUPS (Summary)**

The requirement to submit an additional copy of the Annual Emissions Statement will result in a small increase in administrative costs for the over 1,000 facilities that report emissions inventories.

**IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT
(Summary)**

There is no estimated effect on competition or employment by the proposed rule.

Herman Robinson
Executive Counsel
0510#075

Robert E. Hosse
Staff Director
Legislative Fiscal Office

NOTICE OF INTENT

Office of the Governor Commission on Law Enforcement and Administration of Criminal Justice

General Subgrant Guidelines (LAC 22:III.Chapters 41, 45, 59, 61, and 71)

In accordance with the provision of R.S. 15:1204, R.S. 14:1207, and R.S. 49:950 et seq., the Administrative Procedure Act, the Commission on Law Enforcement and Administration of Criminal Justice hereby announces this Notice of Intent to adopt rules and regulations relative to subgrants. Chapter 14 is repealed and new text has been adopted. The following Rule has been recodified for topical purposes. The changes can be seen in the chart below.

Previous Number	Current or New Number
Part III. Commission on Law Enforcement and Administration of Criminal Justice	
Subpart 1. Privacy and Security Regulation	
Subpart 2. Minimum Jail Standards	
Subpart 3. State Grant-in-Aid Program	Subpart 3. General Subgrant Guidelines
Chapter 41. Procedures	
§4101. Review	§4101. Applicability
§4103. Applications	§4103. Definitions
§4105. Funding	§4105. General Provisions
§4107. Training Payments	§4107. Repealed
§4109. Unawarded Funds	§4109. Repealed
§4111. Local Block Training Funds	§4111. Repealed
§4113. Subgrants	§4113. Repealed
Chapter 43. Appeals Procedure	
§4301. Appeals Procedure	
Chapter 45. Guidelines	
§4501. Approval	§4501. Limitations
§4503. Traffic-Related Grants	§4503. Eligibility
§4505. Local Criminal Justice Agencies	§4505. Indirect Costs
§4507. Personnel Costs	§4507. Regional Planning Units and Criminal Justice Coordinating Councils
§4509. Indirect Costs	§4509. Funding Restrictions
§4511. Regional Planning Units and Criminal Justice Coordinating Councils	§4511. Operational Policies
§4513. Funding Restrictions	§4513. Repealed
§4515. Renovation	§4515. Repealed